

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TERENCE JONES,

Plaintiff,

v.

MELANIE R. CHEAIRS et al.,

Defendants.

CASE NO. 2:23-cv-01730-LK

ORDER TO SHOW CAUSE

This matter comes before the Court sua sponte. Plaintiff Terence Jones, who is proceeding pro se and *in forma pauperis*, filed his complaint on November 9, 2023. Dkt. No. 1.<sup>1</sup> In the intervening months, no proof of service has been filed, no Defendant has appeared, and no party has filed anything.

Federal Rule of Civil Procedure 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” In addition, plaintiffs have a

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<sup>1</sup> Mr. Jones did not file summonses for the Clerk of the Court to sign, and the Clerk’s office mailed blank summonses to him on February 27, 2024. Feb. 27, 2024 Minute Order.

1 general duty to prosecute their claims, *see Fid. Phila. Tr. Co. v. Pioche Mines Consol., Inc.*, 587  
2 F.2d 27, 29 (9th Cir. 1978), and they fail to fulfill this duty when they do not litigate their case,  
3 *see, e.g., Spesock v. U.S. Bank, NA*, No. C18-0092-JLR, 2018 WL 5825439, at \*3 (W.D. Wash.  
4 Nov. 7, 2018). “[T]o prevent undue delays in the disposition of pending cases and to avoid  
5 congestion in the calendars of the District Courts,” federal courts may exercise their inherent power  
6 to dismiss a case sua sponte for failure to prosecute. *Link v. Wabash R. Co.*, 370 U.S. 626, 629–31  
7 (1962); *see also, e.g., Ville v. Meridian at Stone Creek Assisted Living*, No. C17-913-MJP, 2017  
8 WL 4700340, at \*1 (W.D. Wash. Oct. 19, 2017). More than 90 days have passed since the  
9 summonses were issued, and there is no indication that Mr. Jones has served any of the Defendants  
10 or taken any steps to pursue this case.

11 The Court thus ORDERS Mr. Jones to show cause why the case should not be dismissed  
12 for failure to prosecute and failure to serve within 30 days of this Order. Failure to respond will  
13 result in dismissal of the case without prejudice.

14 Dated this 1st day of July, 2024.

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Lauren King  
17 United States District Judge  
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